

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA
and STATE OF MICHIGAN,

Plaintiffs,

ex rel. DAVID FELTEN, M.D., Ph.D.,

Plaintiff/Relator,

v.

WILLIAM BEAUMONT HOSPITALS,
et al.

Defendants.

Case No. 10-cv-13440
Hon. Stephen J. Murphy, III

Consolidated Administratively with:
U.S. ex rel. Karen Carbone v.
William Beaumont Hospital
Case No. 11-cv-12117

U.S. ex rel. Cathryn Pawlusiak v.
Beaumont Health System, et al.
Case No. 11-cv-12515

U.S. ex rel. Karen Houghton v.
William Beaumont Hospital
Case No. 11-cv-14312

JOINT STIPULATION FOR DISMISSAL

The United States of America, the State of Michigan, and Relators in each of the consolidated actions herein, i.e., David Felten, M.D., Karen Barbara Carbone, M.D., Cathryn Pawlusiak, and Karen Houghton (“Plaintiffs and Relators”), by their respective, undersigned counsel, respectfully file this Joint Stipulation for Dismissal pursuant to Fed. R. Civ. P. 41(a), Title 31 U.S.C. § 3730(b)(1), and M.C.L. § 400.610a, and in accordance with the terms and conditions of a Settlement Agreement fully executed on or about July 31, 2018 by Plaintiffs and

Relators and Defendant William Beaumont Hospital (“WBH”). Plaintiffs and Relators stipulate as follows:

1. Plaintiffs and Relators have executed a written Settlement Agreement. This Stipulation of Dismissal is consistent with, subject to, and incorporates the terms of the Settlement Agreement.

2. Plaintiffs and Relators agree that the amount and terms of the settlement are fair, adequate and reasonable under all the circumstances pursuant to 31 U.S.C. § 3730(c)(2)(B), and M.C.L. § 400.610a.

3. The United States and the State of Michigan request, pursuant to Fed. R. Civ. P. 41(a), 31 U.S.C. § 3730(b)(1), and M.C.L. § 400.610a, that all of the claims asserted by Relators in each of the consolidated actions on behalf of the United States and the State of Michigan and against WBH, which are based on the Covered Conduct as defined in Paragraph D of the Settlement Agreement, be dismissed with prejudice as to the United States and the State of Michigan. Relators consent to the dismissal with prejudice of such claims.

4. Subject to Paragraph 5 below, Relators request, pursuant to Fed. R. Civ. P. 41(a), that the remaining claims asserted by Relators in each of the consolidated actions, in which claims the United States and the State of Michigan have declined to intervene, be dismissed with prejudice to Relators and without prejudice to the United States and the State of Michigan. Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(1), and the Michigan Medicaid False Claim Act,

M.C.L. § 400.610a, the United States and the State of Michigan hereby consent to Relators' voluntary dismissal of those claims, provided such dismissal is without prejudice to the United States and the State of Michigan.

5. Relators specifically reserve their claims under 31 U.S.C. § 3730(d) and M.C.L. § 400.610a to a share of the proceeds of the Settlement Agreement and to reasonable expenses, attorneys' fees and costs, and further reserve all personal claims alleged in these consolidated actions pursuant to 31 U.S.C. § 3730(h) and M.C.L. § 400.610c. Nothing in this Stipulation should be construed as an intention to dismiss such claims.

6. Subject to Paragraph 5 above, all parties shall bear their own fees, costs, and expenses, except as otherwise specified in the Settlement Agreement.

A proposed order accompanies this Joint Stipulation for Dismissal.

Respectfully submitted,

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Dated: August 3, 2018

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